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SUBJECT: GVN EXPLAINS NEW ORDINANCE ON RELIGION

Reftels: A) Hanoi 2009; B) Hanoi 1987

1. (U) Summary: According to Nguyen Thanh Xuan, Deputy Chairman of the GVN's Committee for Religious Affairs, Vietnam's Ordinance on Religion (reftels) - which will take effect on November 15 - was modeled on precedents from within Vietnam as well as on similar laws from other countries, including France, Russia, and China. Xuan claimed that the ordinance would lead to a number of significant improvements, including in accountability of government officials for abuses of religious freedom and in increased freedom of action for recognized religious groups. "Many more" religious organizations would be recognized in the near future, he stated. End Summary

2. (U) In a September 1 meeting with Pol Counselor and Poloff, Xuan described the underlying bases from which the new ordinance had been constructed. The first of these, Xuan said, was respect for religious freedom. This had been Vietnam's policy since independence, but the GVN came to "better implement this policy in the 1990s." He added that the 1955 Decree 234 on religion - promulgated by Ho Chi Minh himself - as well as the "actual situation of religion in Vietnam," were two other building blocks of the ordinance. The GVN also considered its obligations under international law, and had consulted the religious laws of eighteen other countries, including France, Russia, the Philippines, China, and Laos, Xuan said. He claimed that, because the ordinance was issued by the National Assembly, it carried more weight than the previous decrees governing religion, which had been issued by ministries directly. This would help set a standard for treatment of religious adherents that would be equal in all regions in Vietnam, he claimed.

3. (U) Xuan described a number of ways in which religious organizations would be more free to operate. The ordinance had "streamlined administrative procedures," he said. State management of religious groups would now come in three forms: "inform, register, and seek permission." In the past, he claimed, "seek permission" had been the most common of these, whereas now "inform or register" would be most common. Permission would now only be required for holding conferences, establishing schools, and building churches, he claimed. He noted that the ordinance upheld freedom of both religion and "belief." This, he said, would give protection to the "60 percent of the population" who followed traditional beliefs, but did not adhere to any formal religion. Xuan added that, while previous decrees only governed the activities of religious practitioners, this ordinance set guidelines that applied to all Vietnamese, including government officials.

4. (U) Xuan pointed to a number of areas where he said the ordinance went beyond existing precedents and would lead to improvements in the situation for religious believers in Vietnam. He said that the ordinance set five specific conditions for the recognition of new religious organizations, ending the subjectivity of the past. He claimed that religious bodies now could be more easily established, dissolved, or divided. This had been "hard to resolve" in the past, Xuan said, and, as a result, some congregations had become too crowded. He said that organizations would be able to promote and transfer clergy "without the permission of authorities," but added that promotions would still have to be registered, and that organizations would have to select "good people and good citizens." Specifically addressing the Catholic Church, Xuan noted that, for the naming or transfer of bishops and cardinals only, the Vatican and GVN would have to "agree" on candidates. He explained that, under the ordinance, religious organizations in Vietnam could have "normal relations" with organizations overseas. The "agreement" of the GVN would still be required to study or attend conferences abroad, although Xuan added that this was the case for all organizations in Vietnam.

5. (U) Addressing implementation of the ordinance, Xuan depicted it as a "framework," and said the GVN now needed to "concretize" it with implementing documents between now and November. He said the CRA was preparing to "communicate the ordinance to religious figures and ordinary people" and also to "educate officials at all levels" about it. Xuan claimed that that religious organizations were "very happy" about the new ordinance, but rued that the "outside world does not

fully understand it." [Note: Mission has received a number of assessments from religious leaders that range from lukewarm to very negative, septel. End note.]

16. (U) Finally, Xuan claimed that "many more" new religious organizations would be recognized in the near future. He cautioned that these organizations needed to register, and show that they were "purely religious," and had "no negative intentions." He added that this could include Protestants and other religious groups that had existed in Vietnam before 1975.

17. (U) Comment: The promise of recognition of new religious groups is welcome news, although we wait for results before assigning any real credit. It is also clear that much of the impact of the ordinance rests on the implementing documents. While they are unlikely to break new ground, the documents - and the extent to which they are disseminated - may potentially set the tone for new respect for religious believers, or for a continuation of the status quo. End comment.
BURGHARDT